

the court shall proceed, by examination of witnesses, to determine the degree of the crime, and to give sentence accordingly; and every person liable to be prosecuted for petit treason, shall in future be indicted, proceeded against and punished, as is directed in other kinds of murder, according to the degree.

144. Every person convicted of murder in the first degree, his or her aiders, abettors, and counsellors, shall suffer death.

145. Every person convicted of the crime of murder in the second degree, or as accessory thereto, shall be sentenced to the penitentiary for not less than five nor more than eighteen years.

#### NEGROES.

146. It shall not be lawful for any negro in this State to become, or continue to be, a member of any secret society whatever, whether such society shall hold its meetings in or without the limits of this State; and every free negro offending against the provisions of this section, shall be deemed guilty of felony, and upon indictment and conviction in any court in this State, shall be fined not less than fifty dollars, and if not paid be sold for such term as the court may adjudge sufficient to realize said fine, one-half to the informer, and the other half to the State; and for the second offence, be sold as a slave for life beyond the limits of this State; and the proceeds of such sale, after paying one-half to the informer, shall be paid into the treasury of the State. And every slave so offending shall, upon conviction, be sold out of the limits of the State, or be punished by the infliction of thirty-nine lashes upon his bare back, at the discretion of the court.

147. If any person shall form, or attempt to form, any such society or association of negroes, or joint society or association of negroes and white persons, or shall induce or attempt to induce any negro to join or enter into, or be connected with such society or association, he, if white, shall be deemed guilty of felony, and upon indictment and conviction in any court of this State, shall be confined in the penitentiary for a term not less than five years nor more than ten years; or if a free negro, he shall be deemed guilty of felony, and upon indictment and conviction in any court of this State, fined not less than fifty dollars—and if not paid, be sold for such a term as may be adjudged equal to said fine, one-half of which fine shall go to the